

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE SILVERFERN GROUP, INC.,

Plaintiff,

:

**MEMORANDUM AND ORDER**

-against-

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06 Civ. 15404 (LBS)

ePALS CLASSROOM EXCHANGE, INC.,

:

Defendants.

:

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SAND, J.

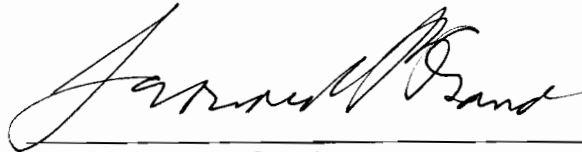
In open court on April 26, 2007 this Court provided that it will reserve decision on plaintiff's motion and would allow the parties 45 days to complete discovery and to submit supplemental papers on the pending motion to the Court. The Court on the same day referred the matter to Magistrate Judge Debra C. Freeman for settlement purposes noting on the reference "This matter requires immediate attention. Motion for summary judgment will be fully submitted by June 11, 2007." As appears from the correspondence between the parties, see e.g. plaintiff's letter of May 3, 2007, the parties appear to be incapable of agreeing without judicial supervision on what discovery should be conducted within that time frame and when and how it should be conducted. The Court is, therefore, expanding the scope of the reference to Magistrate Judge Freeman to include this discovery dispute.

This Court limited the scope of discovery to 45 days rather than the longer period asked by defendant in the belief that some of the discovery would not be pertinent to the question whether plaintiff was entitled to summary judgment and might be sought for dilatory for

harassment purposes. It will be for the Magistrate to determine whether this is the case.

SO ORDERED.

Dated: New York, New York  
May 3, 2007

  
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U.S.D.J.